

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,	)	CIVIL ACTION NO. 3:18-cv-0777
Plaintiff	)	
	)	(MANNION, D.J.)
v.	)	
	)	(ARBUCKLE, M.J.)
ROBERT EVANCHICK, <i>et al.</i> ,	)	
Defendants	)	

ORDER

On April 10, 2018, Plaintiff filed a complaint (Doc. 1) alleging a violation of his rights and designating his complaint as a Federal Question involving Racketeer Influenced and Corrupt Organizations on his Civil Cover Sheet (Doc. 1-1). Contemporaneously with the complaint he filed a Motion to Proceed *in forma pauperis* (Doc. 3). That motion is still pending with the court. Plaintiff has filed a Motion (Doc. 13) to compel service of process. Process will not be ordered to be served until the IFP Motion is reviewed and screened in accordance with our standard procedure.

This Court has an on-going statutory obligation to conduct a preliminary review of *pro se* complaints brought by plaintiffs given leave to proceed *in forma pauperis* in cases which seek redress against government officials. See 28 U.S.C. § 1915(e)(2)(B)(ii). Thus, in this case we are obliged to review the complaint to determine whether any claims are frivolous, malicious, or fail to state a claim upon which relief may be granted. This statutory text mirrors the language of Rule

12(b)(6) of the Federal Rules of Civil Procedure, which provides that a complaint should be dismissed for “failure to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6).

Should the Plaintiff want to expedite the case he can pay the filing fee and proceed with service. Otherwise the Court will address his IFP motion in due course and enter an appropriate order.

Fore the foregoing reasons, the Motion to Compel Service of Process is DENIED.

Date: August 3, 2018

BY THE COURT

*s/William I. Arbuckle*  
William I. Arbuckle  
U. S. Magistrate Judge